

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

Civil No. 05-2076(SEC)

\$19,000 IN U.S. CURRENCY AND
VARIOUS PIECES OF JEWELRY VALUE
APPROX. \$22,683

Defendant

ORDER

MOTION	RULING
Docket # 11 Motion to Strike Claimant's Motion for Summary Judgment or, in the alternative, Motion to Dismiss	<p>GRANTED. Plaintiff's have filed a motion to strike Claimant Santos Feliciano-Pereira's Motion for Summary Judgment or, in the alternative, Motion to Dismiss for lack of standing per Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims (Docket # 11). Claimant Feliciano-Pereira has filed an opposition thereto (Docket # 12).</p> <p>Rule C(6)(a)(i)(A) provides that in an <i>in rem</i> forfeiture action for violation of a federal statute "a person who asserts an interest in or right against the property that is the subject of the action must file a verified statement identifying the interest or right" within 30 days after the date of service of the Government's complaint. Claimant Feliciano-Pereira was served with the instant complaint on January 5, 2006 (Docket # 7). However, said Claimant's motion was filed on February 13, 2006, more than 30 days after being served with the verified complaint of the Government (Docket # 8). Accordingly, the Government's motion to strike is GRANTED. The Clerk of the Court is ORDERED to strike Claimant Feliciano-Pereira's motions in Dockets ## 8-10 from the record.</p>
Docket # 11 Motion for Entry of Default	<p>GRANTED. Plaintiff has requested the entry of default against Defendant property (Docket # 11). In so doing, the Government has informed the Court that it served all potential claimants and that said claimants failed to respond to the Government's complaint within the time allotted under Supplemental Rule C(6). The Government also complied with Local Rule C(2) and C(4) by submitting a notice with copy of an Affidavit of Publication evidencing that notice was caused to be published on February 15, 2006 once in a newspaper of daily circulation in Puerto Rico, allowing any person to have claim in the Defendant property to state the same. <u>See</u> Docket # 13, Exs. 1 & 2. Since thirty (30) days have passed without any person appearing to claim the property, the Government's request is GRANTED. The Clerk of the Court is ORDERED to enter default on the Defendant property. The Government may now move for the entry of default judgment under Rule 55(b).</p>

DATE: March 30, 2006

S/ Salvador E. Casellas
SALVADOR E. CASELLAS
U.S. Senior District Judge